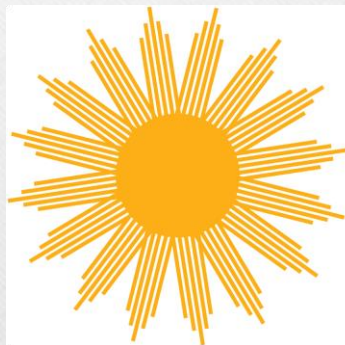


Elder Abuse Detection and Prevention



CENTER FOR
ELDER
LAW &
JUSTICE

What Is Elder Abuse?

- Elder abuse takes many forms, and is not always immediately apparent
- Forms of elder abuse:
 - Financial
 - Physical
 - Sexual
 - Emotional
 - Neglect
- Dynamics:
 - Abuse of trust
 - Gaining and maintaining power and control

Some Important Statistics

- New York is now the only state that does NOT have mandatory reporting by professionals for elder abuse in the community
- It is estimated that 954,000 older adults are currently skipping meals as a result of financial abuse.
- Only 1 in 24 cases of abuse is ever reported
- There are approximately 260,000 victims of elder abuse each year
- Older adults lose \$36.48 billion each year to elder financial abuse
- 9 out of 10 perpetrators are family members

Risk Factors for Elder Abuse

- Memory loss
- Financial status
- Female
- Urban living area
- Receive calls from telemarketers
- Friendliness
- Education
- Isolation



Ageism and Elder Abuse

- What is Ageism:



- Ageism is a set of beliefs relating to the aging process.
 - A stereotype is a generalized belief about a particular group of people. Stereotypes are unchallenged myths associated with a group of people which are widespread and entrenched in verbal, written, and visual contexts within society. Stereotypes of aging include assumptions and generalizations about how people over a certain age should behave, and what they are likely to experience, without regard for individual differences or unique circumstances.

Ageism and Elder Abuse

- Stereotypes about Older Adults:
 - Trusting nature
 - Possibly less technologically savvy
 - Potentially have significant financial assets
 - More prone to isolation than younger adults
 - Loss of spouse/significant other
 - They are frail and in poor health



Ageism and Elder Abuse



- Society tends to discount older adults
- Abusers capitalize on this and will try to explain away possible signs and symptoms of elder abuse
- We should not excuse abuse because of our own biases on aging

Physical Abuse

- The use of force against a person that results in physical pain, injury, or impairment.
- This includes:
 - Inappropriate use of drugs, restraints, or confinement
 - Hitting, punching, slapping, choking
 - Twisting/pulling limbs
 - Bumping and/or tripping

Physical Abuse Signs

- Unexplained or suspicious injuries/pain
- Cuts, puncture wounds, bruises, burns
- Dehydration or malnutrition
- Poor color, sunken eyes, or cheeks
- Frequent use of hospital
- Frequent changes in doctors

Emotional Abuse

- Speaking to, or treating, a person in a way that causes emotional pain or distress.
- Verbal
 - Yelling
 - Making threats
 - Ridiculing
- Nonverbal
 - Ignoring
 - Isolating
- Psychological
 - Crazy-making behavior, Romance scams

Romance Scams



- Scammers pretend to have a feeling of love or friendship for the target.
- The scammer talks to the target for quite some time, possibly without asking for money.
- Eventually, the scammer has an “emergency” and asks the target to send money in many forms, including gift cards.
- Regardless of how much money the target sends, it is never enough for the scammer.
- These are some of the hardest scams to get out of, as the target is often extremely emotionally invested in the relationship.

Emotional Abuse Signs

- Fear or hesitation to talk openly
- Anxiety or agitation
- Isolation or withdrawal
- Change in normal activities
- Starts doing something outside normal character. Example, frugal person spending excess money
- Non-responsiveness
- Confusion or disorientation

Sexual Abuse

- Sexual contact with a person without their consent.
- This includes:
 - Physical sex acts
 - Showing a person pornographic material
 - Forcing the person to watch sex acts
 - Forcing the person to undress
 - Inappropriate touching during routine care

Sexual Abuse Signs

- Difficulty walking or sitting
- Unexplained STDs or HIV
- Bruise patterns on outer arms, chest, inner thighs etc.
- Hypervigilance
- Shying away from being touched
- Older adult appears to be embarrassed or shameful

Neglect

- Failure to fulfill a caretaking obligation.
- Active: the intentional withholding of basic necessities of life
- Passive: not providing basic necessities of life because of lack of experience, information, or ability
- Self: the individual neglects to attend to their own basic needs

Neglect Signs

- Lack of heat, water, electric
- Extreme filth and clutter
- Strong odors, poor hygiene, soiled clothing
- No food and/or spoiled food
- Unsafe living space
- Damaged assistive devices

Financial Exploitation

- The unauthorized use of a person's funds or property
- Financial exploitation costs older adults over \$36.5 billion a year
- For every 1 case reported, 43 go unrecognized

Financial Exploitation Signs

- Significant withdrawals from accounts
- Sudden changes in financial condition
- Items or cash missing from household
- Suspicious changes in wills, power of attorney, titles, and policies
- Unpaid bills or lack of medical care, although the elder has enough money to pay for them
- Unnecessary services, goods, subscriptions

Tips to Prevention Financial Exploitation

- Monitor your bank account activity regularly
- Only appoint a Power of Attorney if necessary, and make sure that you absolutely trust that person.
- Check your credit report often. Visit [Annualcreditreport.com](https://www.annualcreditreport.com) for FREE copies of your credit report.
- Do not share you PIN
- Make sure you do not leave your purse/wallet unattended when you are in public
- Hang up on telemarketers
- If something sounds too good to be true, it is!

Tips to Prevention Financial Exploitation cont.

- Never give your financial information to someone who contacts you and claims to need it.
- Never give your SS, Medicare, or bank account number to anyone over the phone
- Never provide callers with your computer log in information
- Never click on messages indicating your computer is infected or call the number associated with the message.

Barriers to Reporting Abuse

- **Shame:** Abuse is a humiliating and dehumanizing experience. Many survivors of abuse blame themselves and do not want family or friends to know.
- **Not significant enough to report:** People may not report abuse if the act has been downplayed or minimized, with many survivors reported they were coerced into believing “nothing actually happened.”
- **Fear of the justice system**
- **Did not want to get offender in trouble with the law**

The Ties That Bind Us

“Sometimes we don’t report, because we love the one who hurt us.”

Sometimes the person who is causing the harm is a loved one. It may be a partner, a family member or a child.

Parents regardless of age feel responsible for their adult children and believe they need to put their children's needs before their own.

Difficult Adult Children

Defined as

- Mental health
- Substance abuse
- Unemployed
- Disrespectful to parent
- Aggressive to others
- Not succeeding in life
- Health problems
- Poor choices in partner
- Temporary problem -
Lack of resources (job,
citizenship)

Case Example

- Joe is 77 y/o and he lives in the home he owns along with his daughter Lisa (46 y/o) and his granddaughter Opal (12 y/o). While reviewing his bank statement Joe noticed frequent ATM withdraws that he did not recognize. We contacted the police to file a report and his bank. After an investigation the bank determined that only someone who knew Joe's PIN number would be able to make those withdrawals. Joe said he has given his daughter his ATM card in the past but she denied taking any money. CELJ advised Joe to get a new debit card and not share his PIN with anyone. Referred him to Senior Financial Safety Tool.

Case Example

- Lucinda is 72 y/o and lives alone in the home she's owned for 30 years. Lucinda's daughter (Mary) has fallen on hard times; she divorced her husband last year and recently lost her job as a ER nurse. When Mary was facing an eviction Lucinda invited Mary and her 2 children (10 y/o and 5 y/o) to move in temporarily. It's been 10 months now and Mary has not returned to work. Lucinda notices her daughter is more depressed and is drinking more and more during the day. Mary hardly does chores and is always asking to borrow money. Lucinda credit card is now missing.

Legal Remedies for Elder Abuse

- Evictions
- Orders of Protection in Family or Criminal courts
- POA accounting requests
- POA revocation
- New POA execution
- Civil actions to recover stolen funds
- Representing identify theft victims in court

Legal Remedies for Elder Abuse

Evictions

- CELJ Elder Abuse Prevention unit represents home owners seeking eviction of adult inhabitants whose licenses to reside at the properties were revoked.
- Every case is different; call us for more information.

Legal Remedies for Elder Abuse

Orders of Protection

- CELJ Elder Abuse Prevention unit represents older family members seeking orders of protection in family court.
- Specific relationships between parties are a prerequisite for family court matters.
- Call us for more information

Legal Remedies for Elder Abuse

POA Accounting Requests and Revocations

- POA agents have a duty to maintain records of all of the transactions they complete due to their agency,
- CELJ can request accounting records from agents and the agent must comply
- CELJ can revoke POAs when abuse is present

Legal Remedies for Elder Abuse

Representing Identity Theft Victims

- Identity theft victims may be sued on debts accrued due to the theft
- CELJ represents identity theft victims in these situations
- CELJ advocates to the creditors on the debtor's behalf
- CELJ will represent the debtor in court when necessary

Non Legal Remedies for Elder Abuse

- Mediation, Conflict Resolution
- Counseling/Therapy
- Support groups of parents of children struggling with substance abuse
- Setting boundaries

Non Legal Remedies for Elder Abuse

Cont.

Mediation

- Mediation services can offer dispute resolution programs. These services are designed to be alternatives to formal court proceedings for those seeking to resolve interpersonal conflicts and disputes.
- **The Center for Resolution and Justice (CRJ)** is a community-based dispute resolution program and conflict resolution and mediation skills training center. For more than 30 years, they have offered mediation programs, training, and consultation services throughout the eight-county Western New York region.
- As a Community Dispute Resolution Center, they offer low-cost to no-cost programs that can help individuals resolve a wide range of disputes, including neighborhood, housing, property, school, family/parenting, small claims, and relationship conflicts. They also offer programs in areas such as agricultural mediation, divorce mediation, workplace mediation, special education mediation, lemon law arbitration, conflict coaching, and restorative practices.

Non Legal Remedies for Elder Abuse Cont. Therapy, Counseling, Support Groups

- **Save the Michaels of the World** is an organization that helps support families during their loved one's journey through addiction and into remission. They provide a nurturing and supportive environment to parents, grandparents and spouses of addicted individuals. They practice compassion and promote education, self-help and wrap-around care before, during, and after treatment.
- **Crisis Services** operates a 24 hour hotline. The service was designed to fill the community's need for an innovative unit that would explore new methods of treating and assisting people in emotional crisis through a variety of therapeutic services.

Non Legal Remedies for Elder Abuse

Setting Boundaries

- S = STOP Enabling, STOP Blaming Yourself, and STOP the Flow of Money.
- A = Assemble a Support Group.
- N = Nip Excuses in the Bud.
- I = Implement Rules.
- T = Trust Your Instincts.
- Y = Yield Control.

Community Agency Phone Numbers

- Center for Elder Law & Justice
 - (716) 853-3087
- Adult Protective Services
 - (716) 858-6877
- Erie County Senior Services / NY Connects
 - (716) 858-8526
- Crisis Services Hotline
 - (716) 834-3131
- Save the Michaels of the World, Inc.
 - 716.984.8375
- Center for Resolution and Justice- Mediation Services
 - (716) 362-2323
- In Case of an emergency, Call 911



“

The best classroom in the world is at
the feet of an elderly person

”

Andy Rooney



Questions?
Comments?

